

REMARKS

The following remarks are fully and completely responsive to the Office Action dated August 20, 2004.

Claims 1-18 are pending in this application. Applicant appreciates the indication of allowable subject matter in claims 4, 10 and 16. Applicant respectfully requests the withdrawal of the outstanding Office Action and submits claims 1-18 for reconsideration. In addition, it is respectfully requested that a new non-final Office Action be issued on the merits.

Improper Rejections Under 35 U.S.C. § 103(a)

Applicant respectfully submits that the rejections are improper since Everhart has already been removed as prior art by perfecting claim of priority of the present application to August 31, 1999.

Claims 1, 7 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan et al. (U.S. Patent No. 5,737,485, hereinafter "Flanagan") in view of Everhart et al. (U.S. Patent No. 6,230,138, hereinafter "Everhart").

In addition, claims 2, 3, 6, 8, 9, 12, 14, 15 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan in view of Everhart and further in view of Fedele (U.S. Patent No. 4,627,091).

Moreover, claims 5, 11 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagan, Everhart, Fedele and further in view of Bowen (U.S. Patent No. 5,561,737).

In making these rejections, the Office Action asserts that the combination of these references teaches and/or suggests each and every element of the claimed

invention. The Office Action also asserts that it would be obvious to one of ordinary skill in the art to combine these references.

Applicant respectfully traverses each and every rejection noted in the outstanding Office Action since Everhart is NOT a valid art.

Applicant respectfully submits that Everhart was eliminated as a reference because the claim of priority was “perfected” to the priority date of August 31, 1999. The present application claims priority from Japanese Patent Application No. 11-246393 filed on August 31, 1999. A verified translation of the priority document was filed on November 3, 2003 along with a response to an Office Action dated August 1, 2003. (A copy of said verified translation is attached herewith.)

The effective filing date of Everhart (U.S. Patent No. 6,230,138) is June 28, 2000. Given that the effective filing date of the present application (August 31, 1999) precedes the effective filing date of Everhart (June 28, 2000), Everhart is NOT a valid reference.

Since Everhart has already been removed as an prior art reference, Applicant respectfully submits that the rejections are improper, and requests reconsideration and withdrawal of the rejections of claims 1-18 under 35 U.S.C. § 103(a).

Conclusion

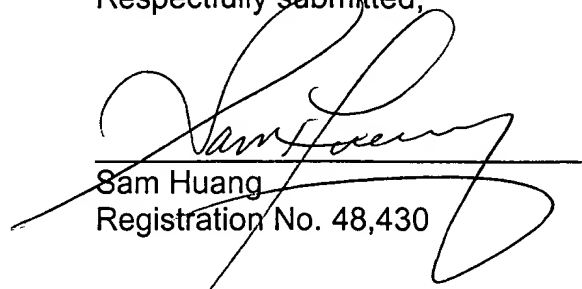
Applicant's remarks and the previously submitted verified translation have rendered the rejections as set forth in the outstanding Office Action improper. Therefore, Applicant respectfully requests withdrawal of the outstanding Office Action and the allowance of claims 1-18.

Applicant submits that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests

that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to our Deposit Account No. 01-2300, making reference to attorney docket number 107156-00019.

Respectfully submitted,



Sam Huang
Registration No. 48,430

Customer No. 004372
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W.,
Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810

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Enclosure: Copy of Verified Translation

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